

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. **CHRB-003-0001**

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and Defendants:

**ANTHONY T. GARCIA
DEBBIE L. GARCIA
J. PATRICK GARCIA
J. PLACIDO GARCIA JR
MUNIRA K. GARCIA**

("Defendants") concerning the Defendants' right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendants and the subject matter of this suit.
2. The State and the Defendants are in agreement concerning the Defendants' right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendants have

7608

approved and accepted the elements of Defendants' water rights as set forth in paragraph 5 herein.

3. This Consent Order resolves all disputes between the State and the Defendants subject to the Pretrial Order filed March 8, 2004 (Doc. No. 7427) in connection with Subfile CHRB-003-0001.
4. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendants adjudicated by this order.
5. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): 01302

Priority: 1894

Source of Water: Surface water of Chavez Creek, a tributary of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: CHAVEZ CREEK DITCH

Location: X= 1,563,986 feet Y= 2,090,009 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant 73.7 acres

Total 73.7 acres

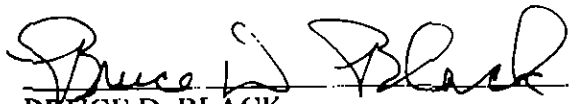
As shown on the attached revised Hydrographic Survey Map for Subfile No. CHRB-003-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

6. Defendants have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
7. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:



VICKIE L. GABIN, SPECIAL MASTER

ACCEPTED: Anthony T. Garcia
ANTHONY T. GARCIA

ADDRESS: 5300 CANYON BLUFF
TRAIL NE
ALBUQUERQUE NM 87111

DATE: 9/16/04

ACCEPTED: Debbie L. Garcia
DEBBIE L. GARCIA

ADDRESS: 5300 Canyon Bluff Tr, NE
Albuquerque, NM
9/16/04 87111

ACCEPTED: J. Placido Garcia
J. PLACIDO GARCIA

ADDRESS: 5809 Royal Oak Dr NE
Albuquerque, N.M. 87111

DATE: Sept 14, 04

ACCEPTED: J. Patrick Garcia
J. PATRICK GARCIA

ADDRESS: 2896 TRAMWAY PLACE NE
ALBUQUERQUE, NM 87122
9/16/04

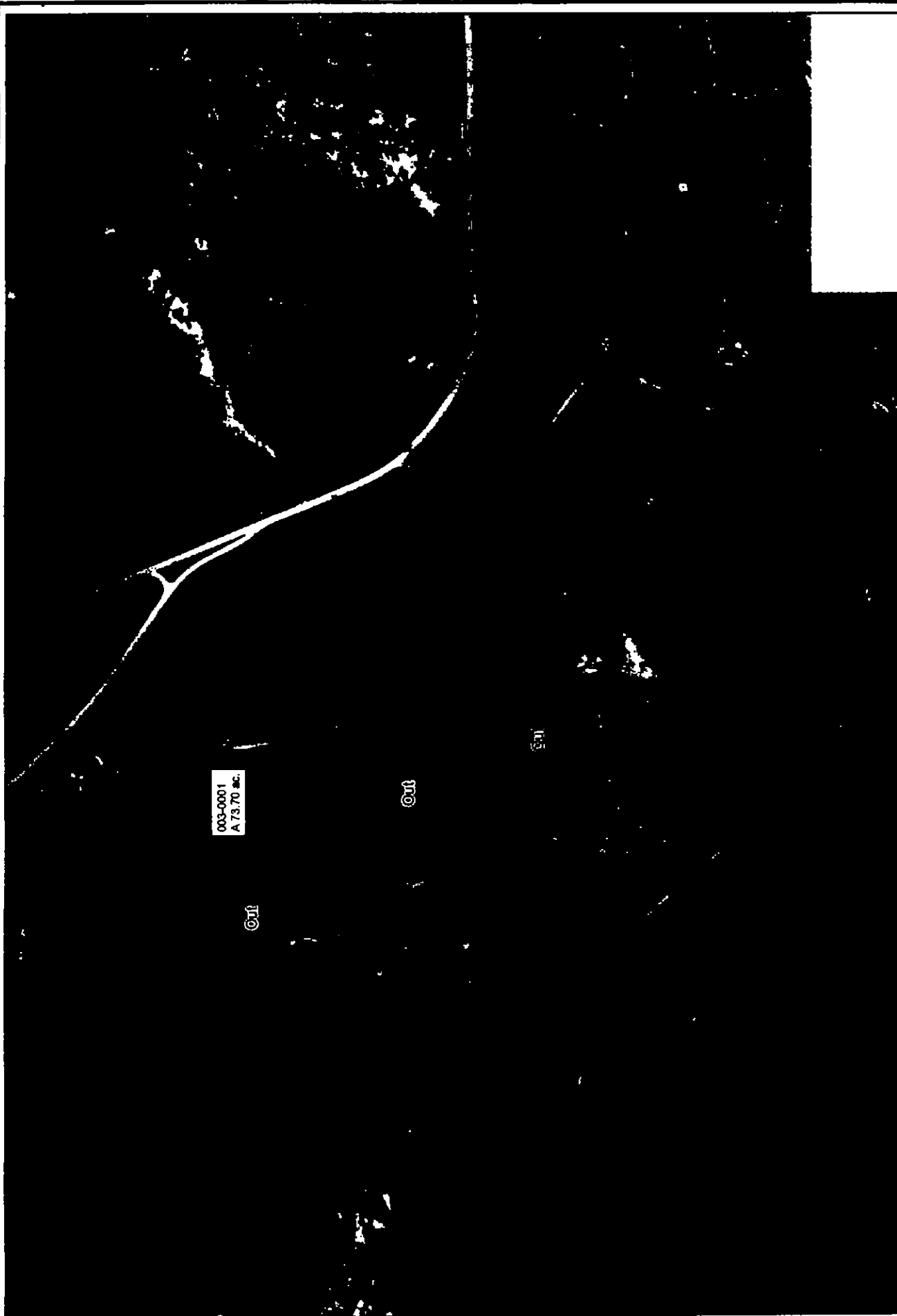
ACCEPTED: Munira K. Garcia
MUNIRA K. GARCIA

ADDRESS: 5809 Royal Oak Dr. N.E.
Alb., N.M. 87111

DATE: 9/15/04

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

9.17.04
Date

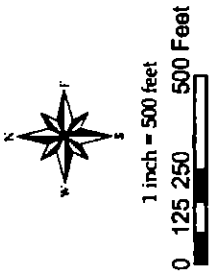


Subfile Number
CHRB 003-0001
 Chavez Creek Ditch
 Amended August 17, 2004



STATE OF NEW MEXICO
 Office of the State Engineer
 John R., D'Antonio Jr., P. E., State Engineer

Rio Chama Hydrographic Survey
 Rio Brazos Section



- LEGEND**
- | | | | |
|--|--------------------------|--|--------------------|
| | Irrigated Tract Boundary | | Point of Diversion |
| | No Right Tract Boundary | | Well |
| | Seeped Area | | Spring |
| | Operable Ditch | | Fallow |
| | Inoperable Ditch | | No Right |
| | Stock Ponds / Reservoir | | |